

## REMARKS

### CHANGE OF CORRESPONDENCE INFORMATION

Applicant is submitting herewith a Change of Correspondence form. All future correspondence in this matter should be directed to Customer Number 23909 and to attorney docket number **F1580-00**.

Claims 1-3 are pending;

Claim 1 has been amended to incorporate therein the limitations of cancelled Claim 4 and preferred compositions C and D in Example 1 at page 6 of the specification.

Claim 1 has been amended by deleting the phrase "the balance being" water, in order to avoid any inadvertent narrowing of the term "comprising" in line 1 of the Claim which is intended to be an open-ended term allowing for the presence of other than the recited ingredients in the dust control composition

The description of alkylol methosulfate in Claim 1(b) has been amended to be consistent with the description on page 2, lines 18-19 of the application.

Reconsideration of the rejection of record is requested in view of the amended Claims and remarks to follow.

### REJECTIONS UNDER 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. 112 as being indefinite for failing to distinctively claim the subject matter which applicant regards as his invention. The description of alkylol methosulfate is said to be an insufficient description of this compound. The compound description has now been amended to be consistent with the description in the specification which applicants submit distinctively describes the compound without need for a formula or structure.

### REJECTIONS UNDER 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by Yianakopoulos (U.S. 5,462,697); the reference is said to meet all material limitations.

Claims 1 and 2 are rejected under 35 U.S.C. 102 as anticipated by Kilpatrick-Liverman (U.S. 6,475,965). This reference is said to meet all material limitations of the Claims.

Claims 1 and 4 are rejected under 35 U.S.C. 102 as anticipated by Mondin et al (U.S. 5,716,925) for the reasons stated in the Office Action.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102 based on Misselyn et al (U.S. 5,552,089) for the reasons stated in this Office Action.

Claim 1 is rejected under 35 U.S.C. 102 based on Suzuki et al (U.S. 4,799,950) for the reasons stated in this Office Action.

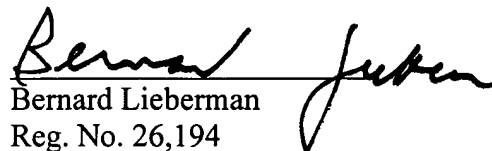
The aforementioned rejections based on 35 U.S.C. 102 are all traversed in view of the presently amended Claim 1. As amended, Claim 1 covers the preferred compositions of the invention as defined in compositions C and D of Example 1. The cited references fail to anticipate each and every limitation of the present Claims as required under 35 U.S.C. 102.

Accordingly, applicants submit that the present Claims overcome the rejections under 35 U.S.C. 102, and are also unobvious over any of the cited references.

In view of the above, the Claims are deemed to be in condition for allowance and an action passing this case to allowance is courteously requested.

Any fee due with this paper may be charged to Deposit Account No. 03-2455. Any overpayment made be credited to Deposit Account No. 03-2455.

Respectfully submitted,

  
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